

Attachment B

STAFF'S SUGGESTED MODIFICATIONS TO THE ORIGINAL PROPOSAL

Amendments To The California Consumer Products Regulation

June 26, 2008

Note: This enclosure shows the modifications to the originally proposed regulatory language. The originally proposed regulatory language is shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. The modifications made to this language are shown in double underline to indicate additions and ~~double strikeout~~ to indicate deletions. Shown below are only those portions of the originally proposed language that have been modified.

Consumer Products Regulation

Amend section 94508(a), title 17, California Code of Regulations, to read as follows:

[Note: Section 94508(a) contains many definitions. Shown below are only those definitions where modifications have been made to the originally proposed language.]

- (58) “Floor Maintenance Product” means any product designed or labeled to Restore, maintain, or enhance a previously applied floor finish. “Floor Maintenance Product” includes, but is not limited to, products that are labeled as Spray Buff products or Floor Maintainers or Restorers. “Floor Maintenance Product” does not include floor polish products, products designed solely for the purpose of cleaning, or products designed or labeled exclusively for use on marble floors, or coatings subject to architectural coatings regulations.
- ~~(107) “Not for Retail Sale” means a product sold exclusively to establishments that manufacture, or construct, goods or commodities, or are sold exclusively to holders of commercial licenses, such as an electrician. For the purpose of this regulation, products labeled “Not for Retail Sale” means the products are not sold in retail outlets or wholesale locations where household consumers may purchase products.~~

~~(115)~~(108) “Personal Fragrance Product” means any product which is applied to the human body or clothing for the primary purpose of adding a scent or masking a malodor, including, but not limited to, cologne, perfume, aftershave, ~~and~~ toilet water, lotion, powder body mist, and body spray. “Personal Fragrance Product” does not include: (A) Deodorant, as defined in section 94501(d); (B) medicated products designed primarily to alleviate fungal or bacterial growth on feet or other areas of the body; (C) mouthwashes, breath fresheners and deodorizers; (D) lotions, moisturizers, powders or other skin care products designed or labeled to be used primarily to alleviate skin conditions such as dryness and irritations; (E) products designed exclusively ~~for use on~~ to be applied to human genitalia areas, undergarments, and any paper products, napkins or other products that are affixed to undergarments, such as sanitary pads; (F) soaps, shampoos, and products primarily used to clean the human body; and (G) fragrance products designed to be used exclusively on non-human animals.

~~(131)~~(124) “~~Sealant and or~~ Caulking Compound” means any product with adhesive properties that is designed to fill, seal, waterproof, or weatherproof gaps or joints between two surfaces. ~~“Sealant or Caulking Compound” includes threaded pipe sealants and gasket makers.~~ “Sealant ~~and or~~ Caulking Compound” does not include roof cements and roof sealants; insulating foams; removable caulking compounds; clear/paintable/water resistant caulking compounds; floor seam sealers; products designed exclusively for automotive uses; or sealers that are applied as continuous coatings. “Sealant ~~and or~~ Caulking Compound” also does not include units of product, less packaging, which weigh more than one pound and consist of more than 16 fluid ounces. For the purposes of this definition only:

“~~r~~Removable caulking compounds” means a compound which temporarily seals windows or doors for three to six month time intervals, ~~and~~

“~~e~~Clear/paintable/water resistant caulking compounds” means a compound which contains no appreciable level of opaque fillers or pigments; transmits most or all visible light through the caulk when cured; is paintable; and is immediately resistant to precipitation upon application.

“Sealant or Caulking Compound” is divided into two subcategories:

(A) “Chemically Curing Sealant or Caulking Compound” means any “Sealant or Caulking Compound” which achieves its final composition and physical form through a chemically curing process, where product ingredients participate in a chemical reaction in the presence of a catalyst that causes a change in chemical structure, and leads to the release of chemical byproducts. “Chemically Curing Sealant or

Caulking Compound” includes, but is not limited to, products that utilize silicone, polyurethane, silyl-terminated polyether or silyl-terminated polyurethane reactive chemistries. “Chemically Curing Sealant or Caulking Compound” does not include products which are not solely dependent on a chemically curing process to achieve the cured state.

(B) “Non-Chemically Curing Sealant or Caulking Compound” means any “Sealant or Caulking Compound” not defined under “Chemically Curing Sealant or Caulking Compound.”

Amend the Table of Standards set forth in section 94509(a), title 17, California Code of Regulations, to read as follows:

[Note: The Table of Standards specifies VOC standards for numerous product categories. Shown below is the product category where a modification has been made to the original proposal.]

**Table of Standards
Percent Volatile Organic Compound by Weight**

Product Category	Effective Date ¹	VOC Standard ²
<u>Motor Vehicle Wash</u> <u>non-aerosol</u>	<u>12/31/2010</u>	<u>0.2</u>

Amend section 94512(d)(1), title 17, California Code of Regulations, to read as follows:

(1) In addition to the requirements specified in subsections (a), (b), and (c), both the manufacturer and responsible party for each aerosol adhesive, adhesive remover, electronic cleaner, electrical cleaner, energized electrical cleaner, ~~and contact adhesive product, and sealant or caulking compound (non-aerosol)~~ subject to this article shall ensure that all products clearly display the following information on each product container which is manufactured on or after the effective date for the category specified in section 94509(a), except that for non-chemically curing sealant or caulking compound (non-aerosol) the effective date of this requirement is December 31, 2010, and for chemically curing sealant or caulking compound (non-aerosol) the effective date of this requirement is December 31, 2012:

- (A) The product category as specified in section 94509(a) or an abbreviation of the category shall be displayed;
- (B)
 - 1. The applicable VOC standard for the product that is specified in section 94509(a), except for Energized Electrical Cleaner, expressed as a percentage by weight, shall be displayed unless the product is included in an alternative control plan approved by the Executive Officer, as provided in Article 4, Sections 94540-94555, Title 17, California Code of Regulations, and the product exceeds the applicable VOC standard;
 - 2. If the product is included in an alternative control plan approved by the Executive Officer, and the product exceeds the applicable VOC standard specified in section 94509(a), the product shall be labeled with the term “ACP” or “ACP product;”
- (C) If the product is classified as a special purpose spray adhesive, the applicable substrate and/or application or an abbreviation of the substrate/application that qualifies the product as special purpose shall be displayed;
- (D) If the manufacturer or responsible party uses an abbreviation as allowed by this subsection 94512(d)(1)(a), an explanation of the abbreviation must be filed with the Executive Officer before the abbreviation is used.